

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff

DECISION and ORDER

-vs-

11-CR-6083

ROBERT W. MORAN

Defendant

This case was referred by text order of the undersigned, entered May 2, 2011, ECF No. 2, to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). On July 15, 2011, Defendant filed an omnibus motion, ECF No. 52, seeking *inter alia* suppression of a photographic identification. On February 6, 2012, Magistrate Judge Payson filed a Report and Recommendation ("R&R"), ECF No. 115, recommending that the Court deny Defendant's motion to suppress. The time has passed for Defendant to file any objections to the R&R, and none have been filed.

Accordingly, for the reasons set forth in Magistrate Judge Payson's R&R, Defendant's application to suppress the photographic identification is denied.

IT IS SO ORDERED.

Dated: Rochester, New York
March 8, 2012

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge